

Thintinus Taylor #71307408

FCI Herlong

Federal Correctional Inst.

P.O. Box 800

Herlong, CA 96113

UNITED STATES DISTRICT COURT

for the

FILED

FEB 05 2021

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

THINTINUS N. TAYLOR

Petitioner

v.

BUREAU of PRISONS

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 2:21 CV 227 — KJN HC
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: THINTINUS NOSETH TAYLOR
(b) Other names you have used: THINTINUS N. TAYLOR
2. Place of confinement:
(a) Name of institution: FCI Herlong
(b) Address: P.O. Box 800
Herlong, CA 96113
(c) Your identification number: #71307408
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: SANDRA DAY O'CONNOR
FEDERAL COURTHOUSE, PHOENIX, AZ. 85003
(b) Docket number of criminal case: 2:16-cr-01377-MOS-2
(c) Date of sentencing: 4-9-2018
☐ Being held on an immigration charge
☐ Other (explain): _____

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☐ Pretrial detention☐ Immigration detention☐ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☒ Other (explain): WANTON AND BARBARIC DISREGARD OF HUMAN RIGHTS AND CONSTITUTIONAL PROVISIONS

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: FCI HERLONG of HERLONG, CALIFORNIA(b) Docket number, case number, or opinion number: N/A; DENIAL DATED 4/20/2020

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

THE SPECIFIED CRITERIA FOR JUDGING THE ELIGIBILITY OF INMATES IN UTILIZATION OF EMERGENCY DEPOPULATION PROVISIONS PROVIDED BY CAMES ACT OF 2020 AND FIRST STEP ACT OF 2018.(d) Date of the decision or action: 4/20/2020

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: BOP WESTERN REGIONAL OFFICE(2) Date of filing: 4/27/2020(3) Docket number, case number, or opinion number: REMEDY ID: 1023028-MJ(4) Result: DENIED; THWARTED; UNTIMELY RESPONSE(5) Date of result: REC'D ON: 7/1/2020(6) Issues raised: THE DECISION OF THE WARDEN NOT BEING BASED ON PROPER PRIMARY FACTORS AND SUB-FACTORS, REGARDING, "INSTITUTION OF REQUESTS" § 571.61 (2) DENIAL OF REQUEST WAS NOT BASED ON PARAMETERS OF DEPOPULATION PROVISIONS.

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(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: BOP CENTRAL OFFICE(2) Date of filing: 7/2/2020(3) Docket number, case number, or opinion number: BOP NON-RESPONSIVE(4) Result: IGNORED(5) Date of result: N/A

(6) Issues raised: REGION'S DENIAL RESTED ON THE ASSERTION THAT I MUST FILE BP-9 REQUEST AT THE INSTITUTION LEVEL WHEN I WAS EXPRESSLY DIRECTED BY CASE MANAGER AND COUNSELOR FLORES THAT ALL APPEALS FOR "MIS REQUEST" GO TO REGION. FURTHERMORE, THE WARDEN EXPRESSLY STATED WITHIN HIS RESPONSE THAT AN INFORMAL APPEAL DID NOT NEED TO BE COMPLETED. THE WARDEN'S MEMORANDUM WAS ATTACHED TO REGIONAL APPEAL.

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: SANDRA DAY O'CONNOR
FEDERAL COURTHOUSE(2) Date of filing: 7/11/2020(3) Docket number, case number, or opinion number: 2:16-cr-01377-PHX-PHX-2(4) Result: INHERENTLY DENIED APPOINTMENT OF COUNSEL; PROCEEDED(5) Date of result: ON OR ABOUT 7/25/2020

(6) Issues raised: REQUESTED APPOINTMENT OF COUNSEL; PROVIDED DOCUMENTATION AND GAVE COMMENT ON THE INCOMPETENCE OF BOP IN THE HANDLING OF MY ADMIN. REMEDIES

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(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes ☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____

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- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____
- _____
- _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: CONSTRUED AS, "MIS MOTION"

(b) Name of the authority, agency, or court: SANDIA RAY O'CONNOR FEDERAL
COURTHOUSE

(c) Date of filing: 8/22/2020

(d) Docket number, case number, or opinion number: 2:16-CF-01377-PHX-MOS-2

(e) Result: Court claimed lack of jurisdiction; alluded to 2841 as proper vehicle

(f) Date of result: REC'D: 10/1/2020

(g) Issues raised: DUE PROCESS VIOLATION, 'CRUEL & UNUSUAL PUNISHMENT'
DUE TO FAILURE TO DEPOPULATE AS DIRECTED BY JUSTICE DEPARTMENT;
MISINTERPRETATION OF ELIGIBILITY GUIDELINES FOR INMATES THAT QUALIFY
FOR CAMES ACT & FIRST STEP ACT PROVISIONS.... THE LETTER &
SPIRIT OF SUCH STATUTES DURING A WORLD HEALTH PANDEMIC, WITH
CONSIDERATION GIVEN TO FBOP'S LIMITED INFRASTRUCTURE.

Grounds for Your Challenge in This Petition

- 13.** State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: 8th AMENDMENT VIOLATION; CRUEL &
UNUSUAL PUNISHMENT

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(a) Supporting facts (Be brief. Do not cite cases or law.):

- EXERCISE HAS BEEN SYSTEMATICALLY PROHIBITED SINCE 4/1/2020, FOR A TOTAL OF 9 MONTHS AS OF 1/1/2021. "EXTREME ISOLATION," DUE TO CAPACITY ISSUES, YET DELIBERATELY INDIFFERENT.
- FORCED LABOR / SLAVERY WHILE SUFFERING FROM COVID-19 SYMPTOMS.
- DENIED MEDICAL ATTENTION WHILE COVID-19 POSITIVE.
- ISOLATION DUE TO SHORTAGE OF STAFF. (WEEKEND: NO SHOWERS, PHONE ETC)

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes☐ NoIN PART

GROUND TWO:

DUE PROCESS VIOLATION ; 5th AMEND.
- CHANGING MODE OF CONFINEMENT OUTSIDE JURISDICTION OF THE COURT. - UNDERMINING UNITED STATES SENTENCING GUIDELINES

(a) Supporting facts (Be brief. Do not cite cases or law.):

- LOCKDOWNS DUE TO STAFF SHORTAGE
- "MANAGEMENT VARIABLES," ARE BEING USED AS A CATCH-ALL REMEDY TO HOUSE LOW, MEDIUM AND HIGH CUSTODY INMATES, INSTEAD OF PROPER EMERGENCY MEASURES. "THE SENTENCE IMPOSED DOES NOT SPECIFY OR IMPLY INVOLUNTARY SERVITUDE, AS PART OF PUNISHMENT."
- PRISON OPERATIONS HAVE BEEN MODIFIED SINCE 4/1/2020. RATHER THAN ADHERE TO DOS IN IMPLEMENTING EMERGENCY PROVISIONS DUE TO INSTITUTIONS BEING "MATERIALLY AFFECTED," BOP IMPLEMENTS PROLONGED MODIFICATION

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes☐ No

GROUND THREE:

8th, 13th, 5th, 14th AMENDMENT
VIOLATIONS ; INVOLUNTARY SERVITUDE / SLAVERY

(a) Supporting facts (Be brief. Do not cite cases or law.):

- LABOR FORCED IN SPITE OF SOFT SHOE PASS
- SEE ATTACHED STATEMENT TITLED, "FACTS OF THE MATTER"
- THE SENTENCE IMPOSED FOR THE CONVICTION OF VIOLATING U.S.C. DOES NOT INCLUDE OR IMPLY INVOLUNTARY SERVITUDE, NOR DOES U.S.S.G IMPLY THAT SLAVERY MAY BE PART & PARCEL OF THE SENTENCE [13th & 5th]. YET MY LABOR WAS FORCED AND MAN-HOURS WERE TAKEN WITHOUT COMPENSATION WHILE I SUFFERED AND COMPLAINED OF COVID-19 RELATED ILLNESS [14th & 8th]

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes☐ No

THE ORIGINAL MATTER WAS AN EFFORT TO HIGHLIGHT AND ENFORCE THE PROPER PERIMETERS AND GUIDELINES IN FACILITATING DEPOPULATION. ALL VIOLATIONS ARE A DIRECT RESULT OF FAILING TO ADHERE TO DOS AND ADMIN. REMEDY PROCESS IS EXHAUSTED.

GROUND FOUR:

NECKLESS ENDANGERMENT / NECKLESS
MISCONDUCT ; 8th & 14th AMENDMENT
VIOLATIONS

(a) Supporting facts (Be brief. Do not cite cases or law.):

On or about 11/26/2020 over 100 inmates tested positive for Covid-19. On 12/8/2020, all positive Covid-19 victims were integrated into every unit on the compound and deemed, "recovered," without any additional testing or medical attention. Covid-19 victims were forced into Covid-19 communes of involuntary servitude. It is not a fact that one can't be infected twice. It is a fact that a 2nd strain exists... And proper quarantine perimeters are not needed.

(b) Did you present Ground Four in all appeals that were available to you? This is a direct result of the matters: failure to depopulate, "thwarting of administrative remedies and deliberate indifference. A snowball

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did

not: THE NON-SENSICAL REASONS WHY ALL "DEPOPULATION PROVISIONS,"

REQUESTS FROM INMATES WERE DENIED BY WARDEN THOMPSON, WAS VERBALLY
ATTRIBUTED (BY NUMEROUS STAFF) TO THE EMAILS FROM BOP THAT WERE
BEING ADHERED TO. APPEALS OF SUCH POLICY WERE THWARTED AND IGNORED, AND
ALL GROUNDS ARE SIMPLY EVIDENCE OF DEGENERATION FROM CORROSIVE POLICY; YET
VIOLATIONS, NONE THE LESS.

Request for Relief

15. State exactly what you want the court to do:

"IMPOSE SOCIAL DISTANCING MANDATE:
SINGLE-CELL OCCUPANCY ONLY OR NO MORE THAN 2 INMATE PER 6 SQUARE-
FEET OF LIVING AND COMMON AREAS. WITH A MONETARY FINE IN THE AMOUNT
OF 50% MORE THAN 'VIOLATING FACILITIES' 7-YEAR PREVIOUS EARNINGS AVERAGE,
FOR VIOLATION OF CAPACITY CAP. SEE: ATTACHMENT TITLED, "RELIEF,"
FOR COMPLETE LIST

→ Additionally: ACCESS to UNIT TEAM is NEXT to NIL AND RECEIVING PROPER ASSISTANCE from UNIT TEAM (BP-Forms, COPIES, LEGAL MAIL SERVICES) is impossible. ACCESS to LAW LIBRARY is forbidden and one is easily ignored when locked behind a STEEL door.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

1/10/2021

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

1/10/2021

[Signature] TRUSTEE

Signature of Petitioner

Signature of Attorney or other authorized person, if any

pg 1 of 2

"Relief"

Attachment: 1

CONT. from pg. 9 of 2241 form

■ MANDATORY PHONE ACCESS during EMERGENCY lock-downs that ARE NON-PUNITIVE, WHEREBY:

- STAFF IS MANDATED TO ROLL PHONES AROUND THE housing units, for INMATE ACCESS through feeding slot (AS PERFORMED IN MANY SPECIAL Housing Units)

- PHONES ROTATED EVERY 15 MINS.; CONSISTANT WITH, "OFFICER ROUNDS," THAT ARE ALREADY MANDATED.

- UNLIMITED phone circulation from 6 A.M. - 8:30 P.M.

7 days / WEEK

■ \$50,000 IN DAMAGES for 8th & 13th AMENDMENT violations for AGGRAVATED COUNT(S) of: SLAVERY of Covid-19 victims

■ \$50,000 IN DAMAGES for 5th & 14th AMENDMENT violations for THREAT AND INTIMIDATION TO FORCE AND STEAL MANHOURS OF LABOR; AN ARBITRARY AND CAPRICIOUS SUPPLEMENT TO THE SENTENCE IMPOSED by the COURT; OUTSIDE JURISDICTION OF COURT

■ \$10,000 for 14th AMENDMENT violation of UNJUST ENRICHMENT (FROM SLAVERY)

■ \$20,000 IN PUNITIVE DAMAGES for EACH CONSTITUTIONAL violations STEMMING from totality of DUE PROCESS violations AND SLAVERY COUNTS. [5th, 13th, 14th, 8th]

TOTAL: \$190,000 IN MONETARY DAMAGES

■ LIFT OF MANAGEMENT VARIABLE

■ DIRECT TRANSFER FROM FCI HERLONG (IMMEDIATELY)

■ TRANSFER TO HOME ARREST; UNDER MINIMUM SECURITY

■ 2-YEAR UNLIMITED REIMBURSEMENT FOR EXPENSES ACCRUED IN OBTAINING MENTAL, SPIRITUAL, EMOTIONAL AND /or SOCIAL COUNSELING, UPON RELEASE.

"Relief," Addendum Attachment: 2

- \$20,000 in PUNITIVE DAMAGES for violation of 1st AMENDMENT
 - \$10,000 for PERSONAL DAMAGES of violation of 1st AMENDMENT
- Total: \$220,000.00 in MONETARY DAMAGES

2841 ATTACHMENT Grounds

ATTACHMENT: 3

Ground 5: 1st Amendment violation

- Intercepting Attorney Correspondence
- Hindering Access to Courts
- Suppression of Free Speech and Administrative Remedy

On 1-6-2021, I submitted a signed statement - with no less than 5 (five) victims / witnesses to the Constitutional violations herein - to C/M Austin for copies. On 1-7-2021, the signed statement was confiscated by SIS. I informed C/M Austin and SIS Lt. that institution was violating Constitutional rights by intercepting communication with attorneys and/or government. Yet they refused to relinquish the, "statement of facts."

The BP-199 that I signed and submitted for payment of copies is presumably destroyed.

I request a BP-8 and BP-9 and was told that Lt. Pacheco would come and speak with me but that, "statement," was being investigated for group demonstration." No BP-8 or BP-9 was furnished. Administrative remedy is hindered, thwarted, blocked.